

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|------------------------------------|
| In re Terrorist Attacks on September 11, 2001 | 03 MDL 1570 (GBD) (FM) ECF Case |
|---|------------------------------------|

This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(FM)

JAMES P. KREINDLER, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation and I submit this declaration in support of the motion for final judgment on behalf of the individual plaintiff, David L. Angell, set forth on the attached Exhibit A.

2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Ashton* plaintiffs, including Mr. Angell, in connection with the September 11th litigation against airline defendants, other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties and conversations had with family members to the *Ashton* plaintiffs, including Mr. Angell. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. David L. Angell died in the September 11th terrorist attacks. He was survived by two siblings, Claire Miller and Kenneth Angell, as set forth in Exhibit A. Mr. Angell was an extremely successful producer of sitcoms. At the time of his death, he was the Executive Producer of the show *Frasier*, and he produced several other successful shows during his career. At the time of his death, Mr. Angell's income was over \$8 million per year and had he not died in the attacks it is likely, based on information provided by his work colleagues, business

associates and family members, that he would have continued to create and produce successful television programming for many more years.

4. The family members of Mr. Angell listed in Exhibit A opted not to seek compensation through the September 11th Victim Compensation Fund (“VCF”) and instead proceeded against airline defendants in litigation. No VCF award was issued to any survivor of Mr. Angell.

5. In connection with the litigation against the airline defendants on behalf of the Estate of David L. Angell, I and other attorneys in my firm obtained information and materials relevant to the calculation of economic loss attributable to his wrongful death as of the time of that litigation. That information has been provided to Matthew Johnson, B.A., M.A., Ph.D. (*expected 2016*). Mr. Johnson took the information we obtained relevant to economic loss and prepared an expert report calculating the present value of the economic damages. That report, which sets forth Mr. Johnson’s methodology, is attached hereto as Exhibit B. Attached to the report is Mr. Johnson’s *curriculum vitae*.

6. The economic loss figure set forth in the table attached as Exhibit A represents the present value (based on the calculations attached in Exhibit B) of the estimated economic loss suffered as a result of the wrongful death of David L. Angell.

7. In prior orders, the Court has established the loss amounts for solatium damages based on familial relationship to the decedent. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (FM), Doc. No. 2623, Entered 10/03/12, pp. 4 – 5; 03-md-1570 (S.D.N.Y.) (GBD) (FM), Doc. No. 3300, Filed 06/16/2016, p. 1. The solatium amounts set forth on Exhibit A are the figures determined appropriate in the prior orders.

8. Previously, in connection with a motion for final judgment on behalf of other

Ashton claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (SN), Doc. No. 3362, Filed 10/14/2016.

9. Accordingly, filed herewith is a proposed final judgment conforming with the Court's previous orders. Exhibit A contains an economic loss figure supported by the expert report attached as Exhibit B and the solatium damages reflect the amounts previously awarded to relatives of those killed on September 11.

Dated: November 3, 2016
New York, NY

/s/ James P. Kreindler
James P. Kreindler (JK7084)